THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION NO.10098 OF 2006

DATED: 21ST AUGUST, 2006.

Between :

1. The Thomas Prabhu Reliance Complex
   Owners Association, rep. by its Secretary,
   Dr. Suresh Thomas, Flat No.504,
   3-6-278,279,225/1 and 280/3,
   Opp: Dr. P. Sivareddy's Eye Hospital,
   Himayat Nagar, Hyderabad, and
   17 others. … Petitioners

And

1. The Commissioner of Prohibition & Excise,
   Nizam Shahi Road, Near BJP Party Office,
   Nampally, Hyderabad, and 6 others. .. Respondents

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WRIT PETITION NO.10098 OF 2006

ORDER :

This writ petition is filed seeking a declaration that the action of the respondents 1 to 4 in directing the respondents to start a bar and restaurant in Flat Nos.101 and 102 at Thomas Prabhu Reliance Complex, bearing Door No.3-6-278, 279, 225/1 and 280/3, Himayatnagar, Hyderabad as arbitrary and illegal.

When the writ petition was taken up for admission, the learned Counsel appearing for the respondents 6 and 7, on whose behalf a caveat was entered represented that there was no intention to open a bar and restaurant in the premises in question. However, taking into consideration the contents of the affidavit filed in support of the caveat petition in which it was stated that the 2nd caveator had taken the premises bearing Flat Nos.101 and 102 of House No. 3-6-278, 279, 225/1 and 280/3, Himayatnagar, Hyderabad on lease for opening a bar and restaurant and that the work was in progress, this Court granted an interim direction restraining the respondents from running any bar and restaurant in the premises in question until further orders.

In response to the notice ordered, on behalf of the respondents 1 and 2, a counter-affidavit has been filed in which it is stated that no proposals were received from the proprietor of M/s. Star Restaurant and Bar to set up a bar and restaurant under the name and style of M/s. Star Restaurant and Bar in Flat Nos.101 and 102.

In the counter-affidavit filed on behalf of the other respondents also, it is reiterated that the writ petition is premature and the same is

filed only with an apprehension that a bar and restaurant would be permitted in the premises in question.

From the material on record, since it is clear that the apprehensions expressed by the petitioners are without any basis, it is not necessary to issue a Writ of Mandamus as prayed for.

Accordingly, the Writ Petition is disposed of. However, it is made clear that the petitioners are at liberty to take appropriate steps as available under law in case necessity thereof arises. No costs.

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G. ROHINI, J.

Dt. 21-8-2006

gbs